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AUG - 4 2004

Honorable Daniel G. Bogden
United States Attorney
District of Nevada
333 South Las Vegas Boulevard
Lloyd George Federal Building, Suite 5000
Las Vegas, Nevada 89101

Dear Mr. Bogden:

Enclosed is the Final Report of the Evaluation of your United States Attorney's office. This document incorporates the United States Attorney's response to the draft evaluation reports and all actions taken by our office through the time of the follow-up visit, which occurred on **October 28, 2003**. Any changes in the office's organization, staff, or procedures since the follow-up visit will not be reflected in the Final Observations. The receipt of this report indicates the completion of the evaluation process.

If you have any questions, please contact Karen Shaller, Follow-up Program Manager at (202) 616-6776.

Sincerely,

Christopher K. Barnes
Assistant Director

Enclosure

FINAL REPORT DISTRICT OF NEVADA

Evaluation Conducted March 3-7, 2003

1.0 Introduction

During the week of March 3-7, 2003, an evaluation team conducted an on-site legal management and administrative evaluation of the United States Attorney's Office (USAO) for the District of Nevada. The Honorable Daniel G. Bogden was the United States Attorney at the time of the evaluation. The overall evaluation was very positive. The USAO was very responsive to the recommendations made in the evaluation draft reports. United States Attorney Bogden and his staff took the evaluation process very seriously and several improvements were made to the operations of the office.

United States Attorney Bogden and his supervisory Assistant United States Attorneys (AUSAs) were well respected by the USAO staff, the investigative and client agencies, and the judiciary. Relations with those agencies were excellent. The USAO enjoyed an excellent reputation and excellent relations with all levels of the judiciary. The senior management team appropriately managed the Department's criminal and civil priority programs and initiatives. The USAO's policies and practices were well suited to meet the District's crime problems. The Criminal and Civil Divisions were managed by experienced and well regarded supervisory AUSAs. The USAO's Criminal and Civil Divisions were staffed with a number of very competent and experienced AUSA and support staff personnel. The quantity of the USAO's workload was manageable and the quality of its workload was appropriate. The USAO's security practices were good overall.

The USAO's organizational structure, instituted in January 2003, appeared to be appropriate and effective.

2.0 United States Attorney and Management Team

United States Attorney Bogden was highly regarded by the federal judiciary, the law enforcement and civil client agencies, and the staff of the USAO. He was a capable leader of the USAO. He was actively involved in the day-to-day management of the USAO, had established an excellent management team, and had established appropriate USAO priority programs that support Department initiatives.

First AUSA Steven Myhre was an experienced attorney and was a highly regarded executive level supervisor. The USAO had an experienced senior management team that was dedicated to the effective management of the USAO.

The senior management team had established an appropriate Strategic Plan that ensured that Department initiatives are given priority within the USAO. The Strategic Plan had been fully implemented in the District. It outlined the mission, core values, strategic goals, and objectives of the USAO.

3.0 Case Management System and USA-5 Systems

The accuracy of the USAO case management system was continuing to improve. The criminal and civil supervisory AUSAs used LIONS and ALCATRAZ in varying degrees to monitor and manage caseloads. Centralized criminal intake, as well as the quarterly file reviews, had improved the accuracy of the LIONS and ALCATRAZ databases. The USA-5/5A information reported was generally accurate. A review indicated that not all firearms case work was fully captured, that child pornography/exploitation cases were often entered in the wrong category, and that some USA-5A subcategory casework was under reported. It was recommended that the USAO continue its efforts to fully utilize the USA-5/5A reporting system to ensure accurate reporting. This has been done. The information is now considered more accurate. More training has helped.

4.0 Management of Criminal Cases and Personnel

The Criminal Division had an effective management structure.

The supervisory AUSAs in the Criminal Division were well respected both inside and outside the office. They were experienced trial attorneys and competent managers, who worked well with the judiciary, the law enforcement agencies, and USAO personnel. They had extensive experience as criminal AUSAs and enjoyed an excellent reputation within the local legal community. The law enforcement representatives, judges, and the AUSAs they supervised, reported that the supervisory AUSAs are capable, motivated managers and good trial lawyers.

There were good lines of communication between all the supervisors, including upper management, as well as good communication by the Division and with the staff personnel in their respective units. The line AUSAs, with a few exceptions, reported that their supervisory AUSAs are supportive and helpful. They viewed their supervisors as significant resources. However, all of the Criminal Division supervisory AUSAs and the branch office managing AUSA carry full caseloads. As a result, the deputy chiefs were not sufficiently proactive with their mentoring and supervisory responsibilities. The less experienced AUSAs stressed their desire for more affirmative supervision and, in particular, mentoring. It was recommended that the USAO consider reducing the caseloads of the Deputy Chiefs thereby permitting more proactive supervision. This has been done. The caseloads for the Deputy Chiefs have been reduced. They are no longer assigned new cases unless the cases fall within the individual specialty area of the Deputy Chief. This reduction in caseload and the small group size allows the Deputy Chiefs to provide adequate supervision.

The Criminal Division AUSAs were experienced, professional, well motivated, and competent. All AUSAs were highly motivated and dedicated professionals. The law enforcement agencies, the defense bar, and the judiciary spoke very highly of the professionalism, competence, and hard work of the line AUSAs. With a couple of exceptions, morale among the Criminal Division AUSAs appeared to be very good. The Criminal Division support staff personnel were competent and professional. The morale among the Criminal Division support personnel in both the Las Vegas and Reno offices was very good.

With regard to the management of the USAO's criminal cases, it was recommended that the USAO update its Criminal Division Manual and prosecution guidelines. At the time of the follow-up evaluation, that was in the process of being done. A central intake system was adopted so the Criminal Chief could get a better idea of what cases were coming into the office. This centralized intake system has given management enhanced information about case generation by agencies, as well as a good running assessment of case assignment within the USAO. Case reviews were performed quarterly. The frequency and nature of these reviews were appropriate. The AUSAs appeared to be managing their caseloads effectively, most using the ALCATRAZ system. Supervisors used the ALCATRAZ system as part of their monitoring of the cases assigned to AUSAs under their supervision. Adequate procedures are in place to identify cases with asset forfeiture potential.

The USAO's non-grand jury investigative practices were efficient and well managed. The Criminal Division Manual contained a section on grand jury practice and procedure which was being updated. All cases received appropriate supervisory review before indictment. The USAO advised that every § 924(c) case was reviewed on a case-by-case basis to ensure compliance with Department policy concerning the filing or dismissal of such a charge. Overall, the USAO effectively managed its plea agreement, sentencing, and post-conviction practice.

The AUSAs' written work product is very good. A brief bank had recently been created that allows the AUSAs to obtain, by index and/or word search, briefs filed by this USAO and the filed briefs by the Southern District of California USAO. The Criminal Division supervisory AUSAs generally supervised the trial work of the newer AUSAs. Overall, the judiciary was very complimentary of the professionalism, courtroom demeanor, and skill exhibited by AUSAs.

Overall, the quantity, quality, and distribution of the USAO's criminal caseload appeared to be appropriate. The USAO's criminal caseload had continued to grow as the USAO had increased its emphasis on firearms and immigration cases. The substantial increase in firearms cases was a direct result of the USAO's revised Project Safe Neighborhoods (PSN) program, which had expanded the number of firearms cases considered and accepted by the office. This program is an undeniable success and has made a significant impact on violent crime in the District. The USAO reported that it was also continuing to cultivate complex cases. While there had been an increase in the number of less complex cases, such as immigration matters, those cases were being handled in a fashion that still permits attention to the more complex matters.